

DT05 Reserver PCT/PTO 2 3 JUL 2002

FORM PTO-1390 (REV. 11-2000) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE ATTORNEY'S DOCKET NUMBER TRANSMITTAL LETTER TO THE UNITED STATES 1-15478 U.S. APPLICATION NO. (If known, see 37 CFR 1.5 DESIGNATED/ELECTED OFFICE (DO/EO/US) 09/914,082 CONCERNING A FILING UNDER 35 U.S.C. 371 INTERNATIONAL FILING DATE INTERNATIONAL APPLICATION NO. PRIORITY DATE CLAIMED PCT/DE00/00553 24 February 2000 (24.02.00) 01 March 1999 (01.03.99) TITLE OF INVENTION ELECTROCHROMIC ELEMENT APPLICANT(S) FOR DO/EO/US DIRK JOEDICKE et al. Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: 1. This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. X This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. The US has been elected by the expiration of 19 months from the priority date (Article 31). 5. A copy of the International Application as filed (35 U.S.C. 371(c)(2)) is attached hereto (required only if not communicated by the International Bureau). has been communicated by the International Bureau. is not required, as the application was filed in the United States Receiving Office (RO/US). 6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). is attached hereto. has been previously submitted under 35 U.S.C. 154(d)(4). 7. Amendments to the claims of the International Aplication under PCT Article 19 (35 U.S.C. 371(c)(3)) are attached hereto (required only if not communicated by the International Bureau). have been communicated by the International Bureau. b. have not been made; however, the time limit for making such amendments has NOT expired. c. have not been made and will not be made. 8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)). 9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. An English lanugage translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11 to 20 below concern document(s) or information included: 11. An Information Disclosure Statement under 37 CFR 1.97 and 1.98. Two Merger
Apassumment documents for recording Arseparate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.

1) Commercial Register, Germany & 2) Merger Contract - with English translations 12. **xx** A FIRST preliminary amendment. 13. A SECOND or SUBSEQUENT preliminary amendment. 14. 15.  $\square$ A substitute specification. 16. A change of power of attorney and/or address letter. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825. 17. 18. A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. **XX** Other items or information: Express mail certificates (5); return card; check; Form PTO-1390 Cover sht; Response to Decision on Request Under 37 CFR 1.497(d) with attach copies of Commerical Register of Merger & Merger Contract w/English trans & IB/306 copy; Revised Appendix D/Consent of Assignee to Add Joint Inventor w/attach; Power of Att/Authorization of Agent w/Statement Under 37 CFR 3.73(b) and attachments.

U.S. APPLICATION NO. (if know 09/914, 082		NTERNATIONAL APPLICATION NO.	PCT/DE00/00553	3 1-1547		
21. X The following fees are submitted:  CALCULATIONS PTO USE ONLY						
BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):						
Neither internation	al preliminary examinat	ion fee (37 CFR 1.482) (a)(2)) paid to USPTO	\$1040	:	-	
and International Search Report not prepared by the EPO or JPO						
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO						
International prelin but all claims did n	International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)					
International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)					T	
		BASIC FEE AMO		\$ <u>-</u>		
Surcharge of \$130.0 months from the earl	0 for furnishing the oath liest claimed priority dat	or declaration later than the (37 CFR 1.492(e)).	20 30	<b>\$</b>		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$		
Total claims	- 20 =	ļ	x 18.00	\$ <del>-</del>	ļ	
Independent claims	-3 =	<u> </u>	x 84.00	\$	<del> </del>	
MULTIPLE DEPEN	DENT CLAIM(S) (if ap		+ 280.00	\$ <u>-</u>	<b></b>	
·		OF ABOVE CALCU ee 37 CFR 1.27. The fees			<del>                                       </del>	
are reduced by			+	\$ -		
			UBTOTAL =	\$ -	<del> </del>	
Processing fee of \$1 months from the ear	30.00 for furnishing the liest claimed priority da		•	\$ <b>-</b>		
		TOTAL NATIO		\$ _	<u>.</u>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + \$80.00						
		TOTAL FEES E	NCLOSED =	\$ 80.00		
		,		Amount to be refunded:	\$	
		•		charged:	\$	
a. X A check in the amount of \$ 80.00 to cover the above fees is enclosed.  b. Please charge my Deposit Account No in the amount of \$ to cover the above fees. A duplicate copy of this sheet is enclosed.						
c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 13-1816. A duplicate copy of this sheet is enclosed.						
d. Fees are to information	be charged to a credit con should not be includ	ard. WARNING: Informed on this form. Provide	ation on this form ma	ny become public. Cr on and authorization o	edit card n PTO-2038.	
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NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a belition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.						
SEND ALL CORRESP PHILLIP S. O	ONDENCE TO:	), i		TONG.	·	
MARSHALL & M			SIGNATU	JRE		
FOUR SEAGATE			PHII	LIP S. OBERLIN	<u> </u>	
TOLEDO, OHIO	43604		NAME		-	
PHONE: (419) FAX: (419) 2				,066 ATION NUMBER		
JULY 23, 200					*	

	"Express Mail" Label NumberEL 469907515 US			
	I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on <u>July 23, 2002</u>			
	and is addressed to the Commissioner for Patents, Box PCT, U.S. Patent and Trademark Office,			
-	Washington, D.C. 20231. Kattileen J. Moore			
	(Signature of person mailing correspondence)			
	Kathleen J. Moore			
	(Typed name of person mailing correspondence)			

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DIRK JOEDICKE, HANS-JOACHIM  BECKER, VOLKER GRUMPICH and  ] Group Art Unit:  RICHARD BATCHELOR  ]	In re Application of:	
	DIRK JOEDICKE, HANS-JOACHIM	,
RICHARD BATCHELOR ]	BECKER, VOLKER GRUMPICH and	] Group Art Unit:
· ]	RICHARD BATCHELOR	1
Serial No. 09/914,082	Serial No. 09/914,082	
Filed: ] Examiner:	Filed:	] Examiner:
Filing Under 35 U.S.C. 371 in the DO/EO/US ]	Filing Under 35 U.S.C. 371 in the DO/EO/US	
off PCT/DE00/00553 filed 24 February 2000 ]		
For: ELECTROCHROMIC ELEMENT ] Attorney Docket: 1-15478	For: ELECTROCHROMIC ELEMENT	Attorney Docket: 1-15478

July 23, 2002

Assistant Commissioner for Patents Box PCT Washington, D.C. 20231

Attention: PCT Legal Office

## RESPONSE TO DECISION ON REOUEST UNDER 37 CFR 1.497(D)

Honorable Sir:

In response to the "Decision on Request Under 37 CFR 1.497(d)" dated June 4, 2002,

Applicants enclose herewith an additional written consent of the Assignee to add the joint inventor, Richard Batchelor, to the application and providing the name and title of the individual

with authority to act on behalf of the Assignee, Flabeg GmbH & Co. KG. The written consent contains the name of the individual, Dr. Hartmut Wittkopf, who is signing on behalf of the Assignee, Flabeg GmbH & Co. KG, and who, as Head of Research and Development, is the authorized representative of Flabeg GmbH & Co. KG in all cases of intellectual property, in particular patents and licenses, as noted on the attached copy of the Authorization document by the Assignee verifying Dr. Hartmut Wittkopf has full power and authorization to execute documents on behalf of Flabeg GmbH & Co. KG, along with an English translation of same which has been signed by the individual making the translation.

Also enclosed is a Power of Attorney/Authorization of Agent, Form PTO/SB/81, and Statement under 37 CFR 3.73(b) with copies of 1) the Assignment document filed in the U.S. Patent and Trademark Office for recordation on March 11, 2002, 2) Recordation Cover Sheets submitted concurrently herewith for recordation of the Merger Contract and Commercial Registration of the Merger of Flabeg GmbH and Flabeg GmbH & Co. KG, 3) Excerpt from the Commercial Register of Amtsgericht (Court of Competent Jurisdiction) in Germany verifying the merger of Flabeg GmbH and Flabeg GmbH & Co. KG along with an English translation of same, and 4) the Merger Contract (Flabeg GbmH with Flabeg GmbH & Co., KG) with English translation of same executed by the individual translating the document. A recordal of change under Rule 92bis was filed in the corresponding PCT application and the change from Flabeg GmbH to Flabeg GmbH & Co. KG was recorded with the International Bureau of WIPO verified by the attached copy of the Notification of the Recording of a Change, Form PCT/IB/306, from the International Bureau of WIPO.

Applicants are submitting concurrently herewith both the Merger Contract and Excerpt from the Commercial Register of Amtsgericht documents, along with their English translations signed by the individual translating the documents, for recordation in the records of the U.S. Patent and Trademark Office, along with a check in the amount of \$80.00 to cover the recordation fee. Please charge any additional fees due or credit any overpayment to Deposit Account No. 13-1816.

As the requirements to establish Assignee's ownership under 37 CFR 3.73, to identify and provide sufficient authorization by the Assignee for Dr. Harmut Wittkopf to execute documents on their behalf, and the Consent of Assignee has been amended to identify and provide authorization for the individual acting on behalf of Assignee, Applicants respectfully request that the "Request to Add Joint Inventor to Application" be granted and the inventor, Richard Batchelor, be added to the subject application.

espectfully submitted

Phillip S. Oberlin Registration No. 19,066

ATTORNEYS

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